

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE MUSHROOM DIRECT	:	Master File NO. 06-0620
PURCHASER ANTITRUST	:	
LITIGATION	:	NOS. 06-0638; 06-0657;
	:	06-0677; 06-0861;
THIS DOCUMENT RELATES TO:	:	06-0932; 06-1464;
All Actions	:	06-1854

**ORDER**

AND NOW, this 14<sup>th</sup> day of October, 2014, upon consideration of defendants' motion for partial summary judgment and reconsideration (Dkt. No. 513), direct purchaser plaintiffs' opposition thereto (Dkt. No. 534) defendants' reply (Dkt. No. 552) and sur-reply (Dkt. No. 569), and consistent with the accompanying memorandum of law, it is ORDERED that defendants' motion is DENIED to the extent that it seeks reconsideration of my decision of March 26, 2009.<sup>1</sup>

This Order denying reconsideration of my decision of March 26, 2009 is CERTIFIED for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) because it involves controlling questions of law as to which there is substantial ground for difference of opinion and because an immediate appeal from this Order may materially advance the ultimate termination of the litigation.

/s/ Thomas O'Neill  
THOMAS N. O'NEILL, JR., J.

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<sup>1</sup> I reserve judgment on defendants' motion to the extent that it seeks partial summary judgment on behalf of Gaspari Bros. Inc., Sher-Rockee Mushroom Farm LLC, LRP Mushrooms, and John and Michael Pia for the reasons they previously asserted in their July 1, 2008 Memorandum of Law in Support of Certain Defendants' Motion for Partial Summary Judgment (Dkt. No. 245).